



Staff Report

DISCUSSION AND DIRECTION REGARDING PROPOSED AMENDMENTS TO CHAPTER 14, BELMONT MUNICIPAL CODE, MOTOR VEHICLES AND TRAFFIC, ARTICLE I, IN GENERAL

Honorable Mayor and Council Members:

Summary

This report is part of staff's ongoing review and update of the Municipal Code. At your last meeting, you reviewed possible changes to Chapter 14, Motor Vehicles and Traffic, Article III, Truck Routes and Weight Limitations. Recently, the Council directed staff to review on-street parking regulations, which are also contained in Chapter 14, Article I, In General, sections 14-1 to 14-13.

Staff recommends that the City Council provide further direction to staff regarding on-street parking regulations, as recommended below. Staff will then return to the Council with alternatives for a proposed new ordinance or amendments to the existing ordinance. At that time, staff will also recommend any other technical changes to the remaining Articles II, IV, V, VI, and VII of Chapter 14.

Background

Belmont Municipal Code Sections 14-1 to 14-13 generally regulate parking of vehicles on City streets. These sections are reprinted for reference in Attachment A.

On December 9, 2003, the City adopted revisions to Chapter 22, Streets and Sidewalks. The sections contained in this Chapter relate to encroachments onto streets, sidewalks, and public rights-of-way. For example, Section 22-2(4) makes it unlawful to "block the traveled way or impede traffic." Section 22-4 authorizes the Public Works Director to issue encroachment permits for, among other things, storage boxes or other structures which are proposed to be located in the right-of-way.

On July 27, 2004, staff requested direction regarding proposed amendments to Chapter 7, Buildings, Property Maintenance and Abatement of Property Nuisances. Section 7-401(1)(c) prohibits storage of abandoned, wrecked, dismantled motor vehicles, trailers, campers, boats or

similar vehicles which are inoperative or unregistered. In the context of this discussion, several Council members expressed concerns about RV's and boats, as well as other large vehicles, parking on City streets.

On October 26, 2004, the City Council again considered amendments to Chapter 7, and again some Council members raised questions regarding parking of vehicles not otherwise subject to Section 7-401(1)(c) on public streets. At that time, staff clarified that any vehicles parked off-street which encroach into City right-of-way would be in violation of existing ordinances.

At both meetings, numerous members of the public appeared to voice their opinions regarding restricting on- or off-street parking of RV's and other large vehicles.

Discussion

Belmont Municipal Code Section 14-10, which regulates use of on-street parking, provides as follows:

No vehicle shall be parked or left standing upon any street, alley or public way for more than seventy-two (72) consecutive hours. For purposes of this section, a vehicle shall be considered to have been parked for seventy-two (72) or more consecutive hours if it has not been moved one-tenth of a mile, by odometer reading, or more during the seventy-two hour period.

State law generally preempts local regulation of on-street parking, with certain exceptions. For example, cities can 1) regulate the hours during which vehicles can park on designated streets, 2) prohibit parking on residential streets of commercial vehicles having a manufacturer's gross vehicle weight rating of more than 10,000 pounds, 3) establish special parking regulations for two- or three-wheeled motor vehicles, or 4) restrict parking of any vehicles, including trucks, which are six feet or more in height within 100 feet of an intersection.

In a recent case, a California Appellate Court upheld a broad parking ordinance implemented by the City of Santa Barbara. The ordinance prohibited parking of trailers, semi-trailers, mobilehomes, buses, or recreational vehicles on any street for more than two hours; the ordinance also prohibited overnight parking of any of these vehicles between the hours of 2:00 a.m. and 6:00 a.m. throughout the city. The ordinance excepted commercial trucks from these rules. The court specifically rejected the argument that by targeting certain types of vehicles, the ordinance was arbitrary. While stating that the ordinance did not exceed the authority conferred on cities under state law, the appellate court referred the case back to the lower court for a hearing on whether the City posted signs on all streets to which the ordinance applied.

Staff requests that the Council give direction to staff regarding whether it wishes to:

- Regulate parking of large motor vehicles such as RV's or mobilehomes
- Regulate parking of non-motorized vehicles such as trailers
- Regulate parking of all or some types of vehicles on narrow streets
- Enact parking regulations that differ among the various neighborhoods and/or zoning districts
- Impose time restrictions for on-street parking of all or certain types of vehicles

Alternatives

The City Council may wish to direct staff to pursue one of the following alternatives:

1. Keep the ordinances as they are;
2. Draft an ordinance regulating on-street parking which is broader than current ordinances.

Attachments

- A. Belmont Municipal Code, Section 14-1 through 14-13

Respectfully submitted,

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